

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

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CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA
DEPUTY

TUCSON WOMAN'S CLINIC; DAMON)
 RAPHAEL, M.D.; OLD PUEBLO)
 FAMILY PLANNING; WILLIAM)
 RICHARDSON, M.D.; SIMAT CORP.)
 d/b/a/ ABORTION SERVICES OF)
 PHOENIX; ROBERT H. TAMIS, MD.)
 PC; and ROBERT H. TAMIS, M.D.;)
 on behalf of themselves and)
 their patients seeking)
 abortions,

)
 Plaintiffs,
)
)
 vs.

)
 CATHERINE EDEN in her capacity)
 as Director of the Arizona)
 Department of Health Services;))
 JANET NAPOLITANO, in her)
 capacity as Attorney General)
 of the State of Arizona;)
 RICHARD M. ROMLEY, in his)
 official capacity as County)
 Attorney for the County of)
 Maricopa, and as representa-)
 tive for all other prosecuting)
 attorneys similarly situated)
 throughout the State of)
 Arizona, including without)
 limitation all County, City)
 and Town Attorneys,

)
 Defendants.
)
)

JUDGMENT IN A CIVIL CASE

Case No. CIV-00-141-T-RCC

X **DECISION BY COURT.** This action came under consideration before the Court. The issues have been considered and a decision has been rendered.

CV 00-141-TUC-RCC

Tucson Woman's Clinic, et al vs Catherine Eden, et al

IT IS HEREBY ORDERED that:

- (1) Plaintiffs' April 30, 2001 Motion for Summary Judgment [docket #132-1] is **GRANTED**, in part, and **DENIED**, in part;
- (2) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Equal Protection Claim [docket #143-1] is **GRANTED**;
- (3) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Fourth Amendment Claim [docket #138-1] is **DENIED**;
- (4) Arizona Administrative Code regulation R9-10-1503(B)(4) is unconstitutional because it violates the Fourth Amendment to the United States Constitution;
- (5) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Informational Privacy Claim [docket #141-1] is **DENIED**;
- (6) Arizona Revised Statute section 36-2301.02(C) and Arizona Administrative Code regulations R9-10-1511(A)(4)(b) and R9-10-1511(A)(4)(c) are unconstitutional because they violate an individual's constitutional right to informational privacy;
- (7) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Unlawful Delegation Claim [docket #139-1] is **GRANTED**;
- (8) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Vagueness Claim [docket #140-1] is **GRANTED**, in part, and **DENIED**, in part;
- (9) Arizona Administrative Code regulation R9-10-1507(1) is unconstitutionally vague;
- (10) Defendants' May 1, 2001 Motion for Summary Judgment on Plaintiffs' Undue Burden Claim [docket #145-1] is **GRANTED**;
- (11) Plaintiffs' May 31, 2001 Motion to Strike Portions of Defendants' Summary Judgment Submissions [docket #154-1] is **DENIED**.

CV 00-141-TUC-RCC

Tucson Woman's Clinic, et al vs Catherine Eden, et al

(12) Plaintiff's June 29, 2001 Second Motion to Strike Portions of Defendants' Summary Judgment Submissions [docket #181-1] is **DENIED**;

(13) Defendant's June 29, 2001 Motion to Preclude Consideration of Evidence [docket #179-1] is **DENIED**;

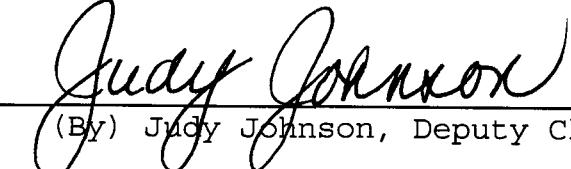
(14) Defendants are permanently enjoined from enforcing any portion of the Regulatory Scheme ruled unconstitutional by this Order.

October 1, 2002

Date

RICHARD H. WEARE

CLERK


Judy Johnson
(By) Judy Johnson, Deputy Clerk

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Copies to: ALL PARTIES; RCC; JBOOK